

DIVISION I

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOSEPHINE LINKER HART, Judge

CACR05-1059

June 28, 2006

DONALD BROWN

APPELLANT

V.

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-95-459]

STATE OF ARKANSAS

HON. DAVID BURNETT,
CIRCUIT JUDGE

APPELLEE

AFFIRMED; MOTION GRANTED

On September 7, 1995, Donald Brown pleaded guilty in Crittenden County Circuit Court to the charge of possession of cocaine. He was placed on probation for ten years conditioned, in pertinent part, on his paying fees and fines, keeping his probation officer informed of his address, and reporting regularly to his probation officer. On July 7, 2005, Brown's probation was revoked due to his failure to satisfy those conditions, and he was sentenced to ten years in the Arkansas Department of Correction.

Pursuant to *Anders v. California*, 386 U.S. 738(1967), and Rule 4-3(j) of the Rules of the Arkansas Supreme Court and Court of Appeals, Brown's counsel has filed a motion to withdraw on grounds that the appeal is without merit. The clerk of this court furnished appellant with a copy of his counsel's brief and a notification that he has a right to file a *pro se* brief within thirty days. Brown did not submit any *pro se* points, and the State has not filed a brief.

Brown's counsel's motion was accompanied by an abstract and brief referring to everything in the record that might arguably support an appeal. No objections were made, and our review of the record has uncovered no procedural irregularities. Regarding the merits of

the revocation, Brown conceded in his own testimony that he willfully failed to report to his probation officer for nearly the entire term of his probation. He acknowledged that it was “no excuse,” but claimed that he thought he had to have “some money” to pay toward his fees and costs before he could report to his probation officer. We hold that there is a substantial basis for affirming the revocation and that any argument based on the merits of the revocation would be wholly frivolous.

From our review of the record and the briefs presented to us, we find that there was compliance with Rule 4-3(j) and that the appeal is without merit. Accordingly, we grant counsel’s motion to withdraw and affirm the revocation of Brown’s probation.

Affirmed.

Motion to withdraw granted.

PITTMAN, C.J., and GRIFFEN, J., agree.